

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 41552
	:	
George, Frank R., et al.	:	Confirmation Number: 7037
	:	
Application No.: 10/759,526	:	Tech Center Art Unit: 1633
	:	
Filed: January 16, 2004	:	Examiner: EPPS-SMITH, Janet L.
	:	
For: ELECTROMAGNETIC ACTIVATION OF GENE EXPRESSION AND CELL GROWTH		

**NOTICE OF APPEAL  
FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically-transmitted to the United States Patent and Trademark Office on November 3, 2009.

/Carrie Hines/

Carrie Hines

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated May 4, 2009 of the Primary Examiner finally rejecting claims 1-3, 5-15, 17-28, 63-76, 85 and 86.

Appeal Fee: \$270.00

☒ Charge to Deposit Account No. 502624.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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as our correspondence address.**